

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-1541**

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OBAFEMI OLUSEUN OPESANMI,

Petitioner,

versus

JOHN ASHCROFT, Attorney General,

Respondent.

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On Petition for Review of an Order of the Board of Immigration  
Appeals (A23-587-344)

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Submitted: December 8, 2003

Decided: January 13, 2004

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Before TRAXLER, KING, and SHEDD, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Winston W. Tsai, Bethesda, Maryland, for Petitioner. Peter D. Keisler, Assistant Attorney General, Richard M. Evans, Assistant Director, Carolyn M. Piccotti, OFFICE OF IMMIGRATION LITIGATION, Washington, D.C., for Respondent.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Obafemi Oluseun Opesanmi, a native and citizen of Nigeria, petitions for review of an order of the Board of Immigration Appeals ("Board") affirming the immigration judge's denial of his application for cancellation of removal.

Opesanmi first contends that the immigration judge erred in denying his application for cancellation of removal on the ground that he failed to demonstrate that his removal would result in "exceptional and extremely unusual hardship" to his family. See 8 U.S.C. § 1229b(b)(1) (2000) (setting forth requirements for cancellation of removal). Because the immigration judge's hardship determination is discretionary in nature, we find that we lack jurisdiction to consider this claim. See 8 U.S.C. § 1252(a)(2)(B)(i) (2000); Mendez-Moranchel v. Ashcroft, 338 F.3d 176, 179 (3d Cir. 2003); Romero-Torres v. Ashcroft, 327 F.3d 887, 888 (9th Cir. 2003); Okpa v. INS, 266 F.3d 313, 317 (4th Cir. 2001).

Opesanmi also contends that the Board's decision to adopt and affirm the immigration judge's decision on the reasoning of the immigration judge violated his right to due process of law. As Opesanmi fails to establish that he was prejudiced by the Board's decision to affirm on the reasoning of the immigration judge, see Rusu v. INS, 296 F.3d 316, 324-25 (4th Cir. 2002), we find that he is not entitled to relief on this claim.

Accordingly, we deny the petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED